

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. FRANCISCO ECO, DEFENDANT AND APPELLANT.

G.R. No 8298. March 28, 1913

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-8298-2/>

PER CURIAM:

This is an appeal by Francisco Eco from a judgment of the Court of First Instance of the province of Ambos Camarines, condemning him to six months of arresto mayor and to the payment of the costs of the cause, for the crime of estafa.

It is insisted by the government that the appellant obtained from one Felipe Marasigan a carabao worth P100., through falsely representing to Marasigan that he had paid the attorney who represented the said Marasigan in the Supreme Court in a certain criminal case P200, while on the other hand the appellant contends that he paid Mr. Contreras P200. for his services as counsel for Marasigan in the Court of First Instance. All agree that if the contention of the appellant is correct he is not guilty of estafa, as he was authorized by Marasigan to secure the services of Mr. Contreras as Marasigan's attorney in the Court of First Instance. But if the carabao was received from Marasigan by the appellant upon representations of the latter to the effect that he had paid attorneys in Manila to represent Marasigan in the Supreme Court, then quite a different question arises, as it is admitted that Marasigan was represented in this Supreme Court by counsel de oficio. A careful examination of the testimony is necessary in order to determine these questions.

In 1908 and 1909 the appellant was Presidente of the Municipality of Paracale, and Felipe Marasigan was Justice of the Peace of that town. A criminal complaint was filed against Marasigan charging him with having falsified various public documents and failed to account for moneys collected in his capacity as Justice of the Peace, eco and Marasigan being close friends at that time, the former, with the knowledge and consent of the latter, consulted with Contreras with a view to securing the services of Contreras to represent Marasigan in the Court of First Instance. Marasigan was released on bail, eco being one of his bondsman. The trial of the cause was held in Daet in February 1910. Here again Eco discussed with Contreras the matter of the defense of Marasigan. Contreras represented Marasigan in the trial of that cause, at the conclusion of which Marasigan was sentenced to imprisonment for fourteen years, eight months and one day, and to pay a fine of P1500. From this judgment Marasigan appealed to the Supreme court, where, as we have said, Marasigan was represented by counsel de oficio. The Supreme Court reversed the decision of the lower court and dismissed the case against Marasigan.

Upon the conviction of Marasigan in the Court of First Instance, Eco again signed Marasigan's bond and secured another bondsman. Marasigan was then allowed his liberty during the pendency of the case in the Supreme Court. eco also took up with Contreras the question of handling the case on appeal. Contreras came to Manila as a member of the Philippine Assembly, and Eco, at the request of Marasigan, came to Manila also in the month of December 1910 or January 1911, for the purpose of consulting with Contreras with reference to Marasigan's case then pending on appeal. On his arrival here he took up the matter with Contreras, and Contreras gave Eco to understand that Mr. Lukban would look after Marasigan's case. That saome such arrangement was actually made is clearly evidenced by exhibit 1, being a document of Marasigan acknowledging receipt of a letter from Lukban

asking a remittance of P200. to pay for a copy of the testimony. After eco returned to Paracale Marasigan turned over to him the Lukban letter, and Eco wrote to Contreras concerning the matter. Neither Eco nor Marasigan heard anything further about the latter's case until on April 1, 1911, when eco received the following telegram from Contreras:

"Tell Marasigan that his case has been dismissed by the Supreme Court."

On receipt of this information Marasigan proceeded to call in a number of his friends, including eco, and bought a quantity of wine and celebrated the occasion. This ended the proceedings against Marasigan, leaving only the question of paying the attorneys. Up to this time Contreras, attorney for Marasigan, had received but P40. for his services. This services had included various consultations in Nueva Caceres, a trip from Nueva Caceres to daet, the trial of the case at that point, and such intervention as he had taken in the appeal.

Eco testified that at the time they were celebrating the good news contained in the telegram heretofore mentioned, he called Marasigan's attention to the fact that he, Marasigan, had better make arrangements for the payment of Contreras' fees, which he, eco, had guaranteed. Nothing appears to have been done further until August 1911, when Eco went to Nueva Caceres to take the Justice of the Peace examination. Here he met Contreras P100. on Marasigan's Account, remitting P100 y mail from Paracale in September of that year. These two payments, together with the P40. paid by Marasigan, amounted to P240., the full amount of Contreras' bill. The P200. which Eco agreed to guarantee did not include the P40. paid by Marasigan. During August also, and while Eco was in Nueva Caceres, Marasigan caused the carabao in question to be delivered to Juan Eco, brother of the appellant, in partial payment of the advances made or to be made on his account.

When Marasigan was informed that he had been represented in the Supreme court by counsel de oficio he proceeded to accuse Eco of having obtained the possession of the carabao by falsely representing that he, Eco, had spent P200. in employing counsel to represent Marasigan in the Supreme Court. certain investigations were made with reference to this matter by the Provincial Fiscal of Ambos Camarines, and in February 1912 the carabao, not having been legally transferred to Eco, was returned to Marasigan. On April 26, 1912, the complaint which forms the basis of this criminal action was filed against Eco for estafa of the carabao.

To establish that Eco had represented that he had spent P200. on the marasigan appeal, the prosecution presented three witnesses, namely, Felipe Marasigan, Crisanto Oco, and Pedro Veluz. On a close examination of the testimony of these three witnesses it will be found that the whole case virtually rests upon the unsupported declaration of Marasigan, the prosecuting witness. On page 4 of the testimony Marasigan states:

"A.

He asked me three times to pay him P200. The third time my son was present in my house. (The son did not testify.)

Q.

The third time?

A.

The third time.

Q.

An when did the third demand take place?

A.

The month of May 1911. I do not remember the date or day.

Q.

And the first two times was anyone present?

A.

Nobody was present.

Q.

Was not Crisanto Oco and Pedro Veluz there?

A.

Crisanto Oco was present at the time of the third demand.

Q.

And Pedro Veluz?

A.

He was present when I went to the house of the accused and arranged the documents of the carabao. This was later-- September 9, 1911.

It will be seen that Marasigan first testified positively that no one was present except his son, but later, in answer to leading questions, he stated that Oco and Veluz were present. Oco attempted to corroborate the testimony of Marasigan as to the demand for the carabao, but he did not fix either the time or place of the demand, and finally testified that the carabao was worth P200., whereas Marasigan never did contend that the animal was worth more than P100.

The witness Pedro Veluz testified in part as follows:

"Q.

Do you remember of having been present when Eco demanded of Marasigan the payment of P200.?

A.

Yes sir.

Q.

For what were the P200. which Eco demanded of Marasigan?

A.

To pay a lawyer of the Supreme Court.

Q.

What month more or less was this demand made?

A.

The 9th of September at 6:30.

Q.

What year?

A.

1911.

Q.

On September 9th at 6:30 sharp?

A.

Yes sir.

Q.

Did you see your watch?

A.

Yes sir, I always carry a watch.

Q.

Isn't it true that you testified in the Justice of the Peace court in the preliminary investigation that you know nothing about the P200. until after you left the house when Marasigan told you about it?

A.

My testimony from the first in the Justice of the Peace court was that the collection of the P200. was for the payment of a lawyer who defended in the Supreme Court.

Q.

Reading your declaration made before the Justice of the Peace in the preliminary investigation in Paracale-- ' When we left the house of Eco, Marasigan told me that he owed Eco P200. for having paid the lawyers' fees.'

A.

Yes sir.

Q.

Then what you have just testified is a little inexact?

A.

Yes sir, because when we left the house Pilar was trying to collect from Marasigan P200.

Q.

Who is Pilar?

A.

Their companion in the house."

This witness in fact admits that he knew nothing of the P200. except what had been told him by Marasigan.

Eco testified that he returned to Paracale from Manila the latter part of February 1911. Marasigan states that it was in March, and that Eco then told him he had been absolved by the Supreme Court. That this statement of

Marasigan's is false is established in two ways-- First, the case of the United States vs. Marasigan, R.G. 5989, was not decided by this court until March 16, 1911, and the notice thereof was mailed to Ramon Salinas and the Attorney-General on March 17th. The record was returned to the Clerk of the Court of First Instance of Ambos Camarines on March 17th, and acknowledged by him on March 29th. Contreras was doubtless advised by the Clerk shortly afterwards and immediately sent the telegram of April 1st to Eco. Second, Attorney Lukban wrote Marasigan asking for P200. with which to pay for a copy of the testimony. The fact of this letter is testified to by Contreras, by Eco, and admitted by Marasigan. Eco testified that on his return to Paracale in February 1911 he answered this letter on behalf of Marasigan. This is uncontradicted. It is evident that such answer would have been absurd had Eco brought the news with him that Marasigan had been acquitted by the Supreme Court.

More palpably false than the above however is Marasigan's attempted denial of having been shown a telegram from Contreras announcing his acquittal. He says:

"He (Eco) did not show me any telegram. How could he show a telegram if everyone was drunk?"

Marasigan admits they were drunk, and then asked how, being drunk, they could see the telegram. If the evidence establishes any one point conclusively it is that it was the receipt of the telegram that caused the drunkenness. The testimony of record shows that at the time the telegram was received, Marasigan asked Eco to advance for him the P200. to Contreras. Again, the record shows that when Marasigan was tried for falsification of a public document, he was accompanied to Daet by Eco and by Agapito G. Fierro. At Daet Eco and Marasigan lived together and Eco testified during the trial. Marasigan now denies that Eco accompanied him to Daet, says he does not know why he was there, and does not remember that he (Eco) testified upon the hearing. And again, Marasigan stated that Eco secured the carabao in question in June 1911. Diego de Villa, who had the custody of the carabao, testified that it was delivered into his keeping by Marasigan in May, and was taken by Juan Eco under instructions from Marasigan in August 1911. The witness further stated that he was instructed by Marasigan to testify that the carabao was taken in June, though it was in fact taken in August. This is corroborated by Juan Eco, who states that in taking the carabao he was acting under the orders of Marasigan. The time of this taking is fixed by both witnesses as coincident with the fiesta of Bacabolani. Their testimony is corroborated by that of the accused and also by Marasigan's letter to this Court written August 7th, wherein he states that the accused is demanding of him P200. Had the carabao been delivered in June as testified to by Marasigan, the unpaid balance in August would have been P100. only.

The intervention of the defendant on behalf of Marasigan when the latter was prosecuted for falsification, is admitted. He went his bail when arrested and again when an appeal was taken. He was given a power of attorney to arrange for his defense before the Supreme Court, in which power of attorney Marasigan specifically recited his poverty and his inability to pay attorney's fees. Eco took up with Contreras the matter of the defense of Marasigan, and undertook to be responsible to Contreras for his fees. Upon this point Contreras testified as follows:

"Mr. Eco was always speaking to me about this matter, and I spoke one time with Mr. Lukban in the Assembly committee, asking him about the case, and he replied that he had written to Marasigan."

That Eco actually paid P200. to Contreras is shown by the direct and positive testimony of both Contreras and Eco. That Contreras regarded the accused as Marasigan's representative is conclusively shown by the fact that it was to Eco Contreras sent the telegram announcing Marasigan's acquittal. Eco did not know until December 1911 that Marasigan had not been defended in the Supreme Court by a regular attorney.

For the foregoing reasons and after a careful examination of this entire record we have encountered very little difficulty in reaching the conclusion that the prosecution failed to establish the guilt of the appellant. The

judgment appealed from is therefore reversed, and the appellant is acquitted, with costs de oficio.
It is so ordered.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.